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MEMO ENDORSED

May 9, 2013

By E-Mail: ALCarterNYSDChambers@nysd.uscourts.gov

Hon. Andrew L. Carter, Jr.
United States District Court
Southern District of New York
40 Foley Square, Room 435
New York, New York 10007

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Re: *Frances Erving et al. v. Saxon Mortgage Services, Inc. et al.*,
No. 12 Civ. 8992 (ALC) (HBP)

Dear Judge Carter:

This firm represents defendants Assurant, Inc. ("Assurant") and American Security Insurance Company ("American Security") in connection with the First Amended Class Action Complaint ("Complaint") filed in the above-captioned action. We write to request permission to file a memorandum of law not to exceed thirty-five (35) pages in support of Assurant and American Security's forthcoming joint motion to dismiss the Complaint pursuant to Fed. R. Civ. P. 9(b), 12(b)(1), and 12(b)(6). We further that plaintiffs be permitted to file a memorandum of law of equal length in opposition to the motion.

Good cause exists for the page limit extensions. The Complaint asserts six counts against Assurant and American Security: unjust enrichment (Counts III and IV); violations of the federal Racketeer Influenced and Corrupt Organizations Act ("RICO"), 18 U.S.C. § 1961 et seq. (Counts V and VI); aiding and abetting a breach of fiduciary duty (Count VIII); and declaratory and injunctive relief (Count IX). Moreover, plaintiffs seek to represent a putative class of borrowers. The issues raised in the 73-page Complaint are numerous and complex, and include an alleged criminal conspiracy to defraud plaintiffs. These issues require a detailed response. In addition, Assurant and American Security contest the Court's subject-matter jurisdiction based on plaintiffs' lack of constitutional standing. The additional pages requested will assist the Court in deciding the motion. Plaintiffs have stated that they consent to this request.

Respectfully submitted,

/s/

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cc: Milo Silberstein (counsel for plaintiff, via e-mail)
Peter Muhic (counsel for plaintiff, via e-mail)

The application is ☒ granted.
~~denied.~~

Andrew L. Carter Jr., U.S.D.J.
Dated: May 10, 2013
NY, New York